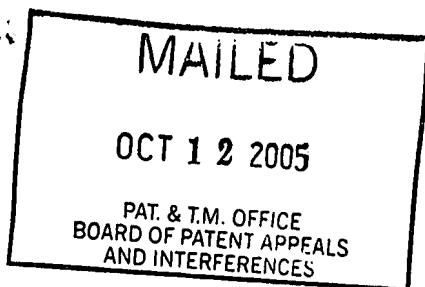




UNITED STATES PATENT AND TRADEMARK OFFICE

DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE
BOARD OF PATENT APPEALS AND INTERFERENCES
BOX INTERFERENCE, WASHINGTON, D.C. 20231

Filed by: Judge Michael P. Tierney
Telephone: 571-272-9797
Facsimile: 571-273-0042



Patentees: PAPAYANNOPOULOU
Application No.: 08/436,339, now Patent No.
5,843,438, granted 12/01/98
Filed: 07/13/95
For: Peripheralization of hematopoietic stem cells

The above-identified application or patent has been forwarded to the Board of Patent Appeals and Interferences because it is adjudged to interfere with another application or patent. An interference has been declared. The interference is designated as No. 105,378.

Notice is hereby given the parties of the requirement of the law for filing in the Patent and Trademark Office a copy of any agreement "in connection with or in contemplation of the termination of the interference." 35 U.S.C. § 135(c).

/Michael P. Tierney/
MICHAEL P. TIERNEY
Administrative Patent Judge

Mail Stop Interference
P.O. Box 1450
Alexandria Va 22313-1450
Tel: 571-272-9797
Fax: 571-273-0042

Filed: 12 October 2005

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

THALIA PAPAYANNOPOULOU
Junior Party
(U.S. Patent No. 5,843,438),

v.

BORIS MASINOVSKY, WILLIAM M. GALLATIN
PAUL J. SIMMONS
Senior Party
(U.S. Application No. 08/448,649).

Patent Interference No. 105,378
(Technology Center 1600)

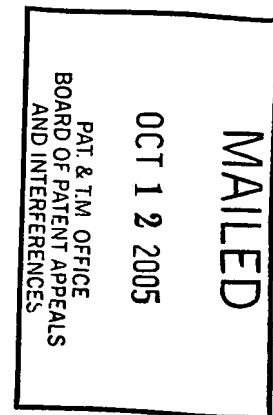
DECLARATION - Bd.R. 203(d)

Before Michael P. Tierney, Administrative Patent Judge.¹

Part A. Declaration of interference

An interference is declared (35 U.S.C. § 135(a)) between the above-identified parties. Details of the application(s), patent (if any), reissue application (if any), count(s) and claims designated as corresponding or as not corresponding to the count(s) appear in Parts E and F of this DECLARATION.

¹As part of Board efforts under the Government Paperwork Elimination Act, signatures on papers originating from the Board are being phased out in favor of a completely electronic record. Consequently, in this case papers originating at the Board will not have signatures. The signature requirements for the parties have not changed. See, e.g., 37 C.F.R. § 10.18.



Part B. Judge managing the interference

Administrative Patent Judge Michael P. Tierney has been designated to manage the interference. 37 CFR § 41.104(a) [Bd. R. 104(a)].

Part C. Standing order

A Trial Section STANDING ORDER [SO] accompanies this DECLARATION. The STANDING ORDER applies to this interference.

Part D. Initial conference call

A telephone conference call to discuss the interference is set for **2:00 p.m. on December 7, 2005** (the Board will initiate the call).

No later than **two business days** prior to the conference call, each party shall file and serve by facsimile (SO ¶ 4.5) a list of the motions (Bd. R. 120; Bd. R. 204; SO ¶ 26) the party intends to file.

A sample schedule for taking action during the motion phase appears as Form 2 in the STANDING ORDER. Counsel are encouraged to discuss the schedule prior to the conference call and to agree on dates for taking action. A typical motion period lasts approximately eight (8) months. Counsel should be prepared to justify any request for a shorter or longer period.

A copy of default times for taking action during the preliminary motion phase of the interference accompanies the NOTICE DECLARING INTERFERENCE. Counsel should be prepared to justify altering the default times.

The Board is conducting an electronic filing and a DVD pilot project. Copies of the procedures are attached to this order. Counsel should be prepared to discuss participation in the electronic filing pilot project.

Part E. Identification and order of the parties

Junior Party

Named Inventors:	THALIA PAPAYANNOPOULOU, Seattle, WA
Patent:	U.S. Patent No. 5,843,438, issued December 1, 1998, based on U.S. Application No. 08/436,339, filed November 15, 1993.
Title:	Peripheralization of Hematopoietic Stem Cells
Assignee:	Board of Regents University of Washington
Accorded Benefit:	PCT/US93/11060, filed November 15, 1993 U.S. Application No. 07/977,702, filed November 13, 1992, now abandoned.

Senior Party

Named Inventors: BORIS MASINOVSKY, Bellevue, WA
WILLIAM M. GALLATIN Mercer Island, WA
PAUL J. SIMMONS, Seattle, WA

Application: U.S. Application No. 08/448,649, filed May 24, 1995

Title: Methods for Using Agents that Bind to VCAM-1

Assignee: Fred Hutchinson Cancer Research Center

Accorded Benefit: U.S. Application No. 08/051,455 filed April 21, 1993, now abandoned.
U.S. Application No. 07/562,008, filed August 2, 1990, now
U.S. Patent No. 5,206,345, issued April 27, 1993.

The senior party is assigned exhibit numbers 1001-1999. The junior party is assigned exhibit numbers 2001-2999. Bd. R. 154(c)(1). The senior party is responsible for initiating settlement discussions. SO ¶ 18.

Part F. Count and claims of the parties

Count 1

Claim 32 of U.S. Application No. 08/448,649.

The claims of the parties are:

Masinovsky, U.S. Application 08/448,649:	30-33
Papayannopoulou, U.S. Patent 5,843,438:	1-14

The claims of the parties which correspond to Count 1 are:

Masinovsky, U.S. Application 08/448,649:	30, 32-33
Papayannopoulou, U.S. Patent 5,843,438:	1-14

The claims of the parties which do not correspond to Count 1, and therefore are not involved in the interference, are:

Masinovsky, U.S. Application 08/448,649:	31
Papayannopoulou, U.S. Patent 5,843,438:	None

Part G. Heading to be used on papers

The heading in SO Form 1 must be used on all papers filed in this interference.

See SO ¶ 7.2.1. The administrative patent judge and parties must be indicated as follows:

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES
(Administrative Patent Judge Michael P. Tierney)

THALIA PAPAYANNOPOULOU
Junior Party
(U.S. Patent No. 5,843,438),

v.

BORIS MASINOVSKY, WILLIAM M. GALLATIN
PAUL J. SIMMONS
Senior Party
(U.S. Application No. 08/448,649).

Patent Interference No. 105,378
(Technology Center 1600)

Part H. Order form for requesting file copies

When requesting copies of files, use of SO Form 4 will greatly expedite processing of the request. Please attach a copy of Part E of this DECLARATION with a hand-drawn circle around the patents and applications for which a copy of a file wrapper is requested.

Part I. Required paragraph for affidavits and declarations

The Board has recently experienced a rash of cases in which a witness has belatedly advanced reasons why he or she would be unable to appear for cross examination at a reasonable time and place in the United States. Consequently, the Board is requiring the following paragraph to be included on the signature page of all affidavits (including declarations) filed in this case to prevent surprise and hardship to the party relying on the testimony of the witness:

In signing this affidavit/declaration, I recognize that the affidavit/declaration will be filed as evidence in a contested case before the Board of Patent Appeals and Interferences of the United States Patent and Trademark Office. I also recognize that I may be subject to cross examination in the case and that cross examination will take place within the United States. If cross examination is required of me, I will appear for cross examination within the United States during the time allotted for cross examination.

Enc:²

- (1) Copy of STANDING ORDER
- (2) Copy U.S. Patent 5,843,438
- (3) Copy of claims of U.S. Application 08/448,649
- (4) Copy of default time for taking action
- (5) Copy of procedures regarding electronic filing
- (6) Copy of procedures regarding DVD pilot project

Revised January 2005

cc (via overnight delivery):

Counsel for **PAPAYANNOPOULOU:**

BIOGEN, INC.
14 Cambridge Center
Cambridge, MA 02142

Counsel for **MASINOVSKY:**

MARSHALL O'TOOLE GERSTEIN MURRAY
& BORUN
6300 Sears Tower
233 South Wacker Drive
Chicago, IL 60606-6402

²No PTO-850 is included.

		Page H	Tab 19				
Int. 105,378							
Preliminary Motions--Default times for taking action							
Enter							
Declaration date		10/12/05					
		Calculate	Enter	Calculate		Description	
		Date	Weeks	Days			
Declaration		10/12/05	0	0			
Real party		10/26/05	2	14			
Request for file		10/26/05	2	14			
Clean copy claims		10/26/05	2	14			
Means analysis		11/09/05	4	28			
Drawing analysis		11/09/05	4	28			
P/M list		12/05/05					
Conference Call		12/07/05	8	56			
Time Period	1	01/18/06	6	42		Preliminary motions due	
Object evidence		01/25/06		7	1		
Correct evidence		02/08/06		14	2		
Time Period	2	02/08/06	3	21		I & j preliminary motions	
Object evidence		02/15/06		7	1		
Correct evidence		03/01/06		14	2		
Cross can begin		03/01/06		21	3		
Cross must end		03/12/06					
Time Period	3	03/22/06	6	42		Oppositions due	
Object evidence		03/29/06		7	1		
Correct evidence		04/12/06		14	2		
Cross can begin		04/12/06		21	3		
Cross must end		04/23/06					
Time Period	4	05/03/06	6	42		Replies due	
Object evidence		05/10/06		7	1		
Correct evidence		05/24/06		14	2		
Cross can begin		05/24/06		21	3		
Cross must end		06/04/06					
Time Period	5	06/14/06	6	42		Request for hearing, motion to suppress and & x-exam observations	
Time Period	6	07/05/06	3	21		Suppression opposition & response to observations	
Time Period	7	07/19/06	2	14		Suppression reply	
Time Period	8	07/26/06	1	7		File record	
Oral argument	9	08/23/06	4	28		Oral argument	
P/m decision	10	09/27/06	5	35		Decision on p/m	
Total Weeks from conference call to Time Period 8			33				
Total weeks from declaration to Time Period 8			41				
Total weeks from declaration to decision on p/m			50				
a							

INTERFERENCE DIGEST

Interference No. 105,378

Paper No. 23

Name: Thalia Papayannopoulou

Serial No.: 08/436,339

Patent No. 5,843,438, granted 12/01/98

Title: Peripheralization of hematopoietic stem cells

Filed: 07/13/95

Interference with Masinovsky et al.

DECISION ON MOTIONS

Administrative Patent Judge, _____ Dated, _____

FINAL DECISION

Board of Patent Appeals and Interferences, _____ Dated, _____

Court, _____ Dated, _____

REMARKS

This should be placed in each application or patent involved in interference in addition to the interference letters.